

What are some scenarios that are allowed or not allowed in an R-R: Reserved Residential, R-1: Low Density Residential Zoning District, and/or Patio Homes permitted in the PH-50: Patio Home Residential, R-2: Medium Density Residential and R-R: Reserved Residential Districts?

Allowed:

- A family (of any size) related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship
- Two (2) unrelated persons and their children
- Two (2) or more siblings related by blood
- Two (2) but not more than two (2) unrelated individuals
- One (1) individual

(In addition, these scenarios have to meet the other requirement of living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, eating, and housekeeping facilities)

Not Allowed:

- A family (of any size) related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship and a friend
- Three (3) unrelated persons and their children
- Two (2) or more siblings related by blood and a friend
- Three (3) or more unrelated friends
- Two (2) couples

Please note that this is not an all inclusive list. If you are unsure if your situation would be in violation of this section, please contact the City of Troy Planning & Zoning Department at (334) 670-6058 or planning@troyal.gov.



**Residential
Occupancy**

City of Troy

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**CITY OF
TROY**

**Single Family Residency
Brochure**

What is Illegal Occupancy?

Section 11.26 of the City of Troy Zoning Ordinance defines the term "Family" in the following manner:

"Family" shall mean any of the following:

1. A person living alone as a single non-profit housekeeping unit;
2. A family unit comprised of persons related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, eating, and housekeeping facilities;
3. A number of unrelated persons but not exceeding two (2) living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, eating, and housekeeping facilities;
4. A number of unrelated persons but not exceeding two (2) and any children related to either of them by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, eating, and housekeeping facilities.

"Family" shall not mean and shall not include any of the following:

- 1) Any society, club, fraternity, sorority, association, lodge, federation, or other like organization.
- 2) Any group of individuals whose association is temporary or seasonal in nature.

Dwellings in the R-R: Reserved Residential and R-1: Low Density Residential Zoning Districts are limited to single family in which occupancy is

restricted to the term "Family" as defined in Section 11.26 of the City of Troy Zoning Ordinance. Patio Homes permitted in the PH-50: Patio Home Residential, R-2: Medium Density Residential and R-R: Reserved Residential Zoning Districts shall also be limited to the same single family occupancy. Occupancy beyond these limits in these zones constitutes illegal occupancy.

Unless permitted on appeal, any use of a single dwelling unit in these zoning districts other than as a residence of a single family as defined in the Zoning Ordinance is expressly prohibited. Any such prohibited use shall be unlawful and any persons residing together in a single dwelling unit in violation of this prohibition shall each be deemed to be unlawfully in violation of the Zoning Ordinance. It is also unlawful for any person, firm, corporation, company, partnership, business, association, or other entity of any type owning or having charge or control of any residential premises in these zoning districts to lease, sell, or permit occupancy of any single dwelling unit in violation of this section, and the same shall be deemed to be an unlawful violation of the Zoning Ordinance.

Anyone who does not know what Zoning District he or she resides may call the Planning and Zoning Department at (334) 670-6058 to obtain that information or email us at planning@troyal.info.

If I suspect an occupancy violation in my neighborhood, what can I do?

Citizens may present occupancy complaints directly to the Planning & Community Development Department. A complaint form is also available on the City's website, www.troyal.gov. The form can be downloaded, completed, and faxed to the Planning & Zoning Department, who will then begin the enforcement procedures.

What is the definition of Occupancy or Occupy?

Occupancy or Occupy: The use of a dwelling unit or portion thereof for living, sleeping, cooking or eating purposes. Indicia of occupancy may include, but shall not be limited to, the use of a dwelling unit as an address for any purpose, living in a dwelling unit under an implied lease or express agreement, or maintaining clothes or other daily living supplies at a dwelling unit. Prima facie proof of occupancy of a dwelling unit is established in any prosecution for violation of single-family occupancy in the RR, R1, and PH-50 districts of this Ordinance if it is shown that the same three or more vehicles with registration to persons having different surnames or addresses were parked overnight at the dwelling unit a majority of the nights in any 10 business day investigation period. This establishment of a prima facie level of proof in this definition shall not preclude a showing of "occupancy" of a dwelling unit by a person in any other manner.

Why are there occupancy limitations?

Occupancy limitations are not unique to Troy. In fact, most city zoning ordinances around the country contain similar language.

One important reason for such restrictions is a concern for potential overcrowding of particular areas. Excessive occupation can lead to problems including health and public safety concerns. There are also potential nuisances associated with overcrowding.

Another important reason is that, as Troy continues to grow and develop, there is concern for the preservation of existing neighborhoods. Occupancy limitations help to preserve neighborhood character and quality of life for Troy Citizens.